

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Docket No.: 07cv4586
MARY E. CUNNINGHAM,

Plaintiff,

-against-

NOTICE OF REMOVAL

AMERICAN AIRLINES, INC.,

Defendant.

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PLEASE TAKE NOTICE that defendant, AMERICAN AIRLINES, INC., by and through its attorneys, RUTHERFORD & CHRISTIE, LLP, hereby removes this action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1441 and § 1332.

1. This action was commenced against AMERICAN AIRLINES, INC., in the Supreme Court of the State of New York, County of New York , by the filing of a Summons and Verified Complaint with the Clerk of the Court on or about April 13, 2007.

2. Upon information and belief and pursuant to the averments in the Summons and Verified Complaint, plaintiff is a permanent resident of the State of Florida and, therefore, is domiciled in and a citizen of, the State of Florida.

3. At the time of service of the Summons and Verified Complaint, AMERICAN AIRLINES, INC., was and is incorporated under the laws of the State of Delaware, with its principal place of business in Texas and therefore is a citizen of the State of Delaware and of the State of Texas.

4. Therefore, the action is between citizens of different states as defined by 28 U.S.C. § 1332(a)(1).

5. The Complaint seeks damages for personal injury due to the alleged negligence of AMERICAN AIRLINES, INC., in excess of the jurisdictional limitations of all lower Courts in the State of New York which would otherwise have jurisdiction and upon information and belief, the matter in dispute exceeds the sum of seventy-five thousand dollars exclusive of interest and costs.

6. This cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that the amount in controversy upon information and belief, exceeds \$75,000 exclusive of interest and costs, and that it is between citizens of different states. By virtue of 28 U.S.C. § 1441(a), this cause of action is removable to this Court.

7. Defendant, AMERICAN AIRLINES, INC., was purportedly served with a copy of the initial pleading setting forth the claim upon which this action is based on or about May 10, 2007.

8. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within 30 days after receipt by the defendant of a copy of the initial pleading.

9. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. 1446(a), copies of the Summons and Verified Complaint, which constitute all process, pleadings or orders served or filed by the parties in the Supreme Court of the State of New York, are attached hereto as Exhibit "A" and made a part of this Notice by reference.

11. AMERICAN AIRLINES, INC., will pay all costs and disbursements by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

12. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, and without waiver of any substantial or procedural defenses, AMERICAN AIRLINES, INC., requests that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: New York, New York
May 31, 2007

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

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David S. Rutherford (DR 8564)
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TO: The Jacob D. Fuchsberg Law Firm, LLP
Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of DEFENDANT'S NOTICE OF REMOVAL, TO THE CLERK OF THE SUPREME COURT, NEW YORK COUNTY, NOTICE OF REMOVAL and NOTICE TO ADVERSE PARTY OF FILING OF NOTICE OF REMOVAL were served via regular mail to The Jacob D. Fuchsberg Law Firm, LLP, Attorneys for Plaintiff, 500 Fifth Avenue, 45th Floor, New York, New York 10110 on the 31st day of May, 2007.

RUTHERFORD & CHRISTIE, LLP

By: s/ David S. Rutherford

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